

REMARKS

Claims 1-8 and 10-64 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections and forwarding of the application onto issuance.

§ 103 Rejections

Claims 1, 24-26, 37-39, 48, 54-56, 57, 58-64 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,581,062 to Draper et al. (hereinafter “Draper”) in view of U.S. Patent No. 6,513,059 to Gupta et al. (hereinafter “Gupta”).

Claims 2-19, 27-28, 30-31 and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Draper in view of Gupta and U.S. Patent No. 5,295,261 to Simonetti.

Claims 20-23, 29, 32-36, 44-47, and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Draper in view of Gupta and U.S. Patent No. 6,151,601 to Papierniak et al. (hereinafter “Papierniak”).

Gupta Does Not Constitute Prior Art

All of the claims stand rejected over some combination that includes Gupta. Applicant respectfully submits that Gupta does not constitute prior art and hence, the Office has failed to establish a *prima facie* case of obviousness.

More specifically, the present application was filed on April 5, 2000. Gupta, on the other hand, was filed on August 24, 2000 – more than four months *after* the present application. In addition, Gupta makes no priority claim which would accord it an earlier filing date. Accordingly, as Gupta was filed after the

1 present application, it does not constitute citable prior art. Because Gupta does not
2 constitute citable prior art, the Office has not established a *prima facie* case of
3 obviousness and all of the claims are allowable.

4
5 **Conclusion**

6 The Office has issued five office actions in the present application. Each
7 time, Applicant has addressed and traversed the Office's rejections. By the time
8 this response is filed, this application will have been pending more than four years
9 and eight months. Applicant has sincerely and earnestly prosecuted this
10 application and now respectfully requests that the Office pass the application to
11 issuance.

12 In the event the next action by the Office is anything other than issuance of
13 a Notice of Allowability, Applicant respectfully requests a telephone call for the
14 purpose of discussing an Appeal.

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16 Respectfully Submitted,

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18 Dated: 12/20/09

19 By: 

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